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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 v.)

17 BARBARA MITCHELL,)

18 Defendant.)

No. CR 11-0507 EJD

**STIPULATION AND [PROPOSED]
ORDER VACATING MARCH 12, 2012
STATUS CONFERENCE, SETTING
MAY 14, 2012 STATUS CONFERENCE
AND EXCLUDING TIME FROM
MARCH 12, 2012 TO MAY 14, 2012,
FROM CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

19 The parties hereby request that the Court enter this order vacating the status conference
20 scheduled for March 12, 2012, setting a further status conference in this matter for May 14,
21 2012, and excluding time from March 12, 2012 through May 14, 2012. The parties, including
22 the defendant, stipulate as follows:

23 1. The defendant understands and agrees to the exclusion of time from calculations under
24 the Speedy Trial Act, 18 U.S.C. § 3161, from March 12, 2012 through May 14, 2012, based
25 upon the need for the defense counsel to investigate further the facts of the present case. The
26 government has provided thousands of pages of discovery in the present case, and defense
27 counsel needs time to review the discovery, evaluate further possible defenses and motions
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1 available to the defendant.

2 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
3 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
4 effective preparation of the defense; believes the exclusion is in the defendant's best interests;
5 and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be
6 from March 12, 2012 through May 14, 2012.

7 Given these circumstances, the parties believe, and request that the Court find, that the
8 ends of justice are served by excluding from calculations the period from March 12, 2012
9 through May 14, 2012, outweigh the best interests of the public and the defendant in a speedy
10 trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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12 IT IS SO STIPULATED.

13 DATED: February 21, 2012

/s/ Varell L. Fuller
VARELL L. FULLER

15 DATED: February 21, 2012

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney

17 ~~PROPOSED~~ ORDER


18 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
19 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
20 U.S.C. § 3161, from March 12, 2012 through May 14, 2012 based upon the need for the defense
21 counsel to investigate further the facts of the present case, review the discovery that the
22 government has already provided and evaluate further possible defenses and motions available to
23 the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and
24 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
25 calculations the period from March 12, 2012 through May 14, 2012.

26 Accordingly, the Court further orders that (1) the status conference for March 12, 2012 is
27 vacated; (2) a further status conference in this matter is set for May 14, 2012; and (3) the time
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1 from March 12, 2012 through May 14, 2012 is excluded from time calculations under the Speedy
2 Trial Act, 18 U.S.C. § 3161.

3 IT IS SO ORDERED.

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5 DATED: February 22, 2012


6 THE HONORABLE EDWARD J. DAVILA
7 United States District Judge
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